

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION**

ESTELE RAY NEELY, *Individually
and on behalf of himself and others
similarly situated,*

Plaintiff,

v.

No. 1:20-cv-00174-CLC-CHS

U.S. XPRESS ENTERPRISES, INC.,
a Nevada Corporation,
U.S. XPRESS, INC.,
a Nevada Corporation, and
U.S. XPRESS LEASING, INC.,
a Tennessee Corporation,

**FLSA Opt-in Collective Action
Rule 23 Class Action**

JURY DEMANDED

Defendants.

JOINT MOTION TO STAY PROCEEDINGS PENDING ARBITRATION

Named Plaintiff, Estele Ray Neely, and Defendants, U.S. Xpress Enterprises, Inc., U.S. Xpress, Inc., and U.S. Xpress Leasing, Inc. (together “the Parties”), hereby agree that Plaintiff’s claims in this case are subject to an arbitration agreement requiring individual arbitration. Accordingly, the Parties agree to stay all proceedings in this matter pending the outcome of Plaintiff’s individual arbitration pursuant to 9 U.S.C. § 3.¹

¹ See *Fazio v. Lehman Bros., Inc.*, 340 F.3d 386, 392 (6th Cir. 2003) (“If the parties to a civil action have a valid arbitration agreement, the Court should compel arbitration and stay the proceedings pending the outcome of the arbitration.”); see also *Regions Bank v. Chanda*, No. 11-2296-STA, 2011 WL 4352722, at *5 (W.D. Tenn. Sept. 16, 2011) (“If the court is satisfied that the parties entered into a written agreement to arbitrate the issue(s) in the lawsuit, it is required to stay the proceedings.”); see also *Halim v. Great Gatsby’s Auction Gallery*, 516 F.3d 557, 561 (7th Cir. 2008) (staying the proceedings and compelling arbitration promotes expeditious resolution of a dispute).

Therefore, the Parties respectfully request an Order staying all proceedings in this Court until further Order and ordering the Plaintiff to submit his claims in this matter to binding individual arbitration.

Dated: July 29, 2020

Respectfully submitted,

/s/ Robert E. Turner

Gordon E. Jackson TN BPR #8323
J. Russ Bryant TN BPR #33830
Robert E. Turner, IV TN BPR #35364
Nathaniel A. Bishop TN BPR #35944
**JACKSON, SHIELDS, YEISER, HOLT
OWEN & BRYANT**
Attorneys at Law
262 German Oak Drive
Memphis, Tennessee 38018
Telephone: (901) 754-8001
Facsimile: (901) 754-8524
gjackson@jsyc.com
rbryant@jsyc.com
rtturner@jsyc.com
nbishop@jsyc.com

Attorneys for Plaintiff

-and-

James H. Hanson, *Pro Hac Vice* Pending
E. Ashley Paynter, *Pro Hac Vice* Pending
James E. Eckhart, *Pro Hac Vice* Pending
**SCOPELITIS, GARVIN, LIGHT,
HANSON & FEARY, P.C.**
10 West Market Street, Suite 1400
Indianapolis, IN 46204
Telephone: (317) 637-1777
Facsimile: (317) 687-2414
jhanson@scopelitis.com
apaynter@scopelitis.com

CERTIFICATE OF SERVICE

This is to certify that on the 29th day of July, 2020, a copy of the above and foregoing was served via the Court's CM/ECF system to all parties.

/s/ Robert E. Turner

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